

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application.

Drawings

Applicants respectfully request that the Examiner acknowledge the drawings filed on July 30, 2007 as acceptable in the next action.

Disposition of Claims

Claims 30-58 are currently pending in this application. Claims 30, 40, and 49 are independent. The remaining claims depend, directly or indirectly, from claims 30, 40, and 49.

Rejection under 35 U.S.C. § 103

Claims 30-58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,189,030 ("Kirsch") in view of U.S. Patent No. 6,269,370 ("Kirsch-New"). This rejection is respectfully traversed.

As an initial matter, Applicants respectfully note that "[t]he goal of examination is to *clearly articulate* any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise *reply completely at the earliest opportunity*." MPEP § 706 (emphasis added). Further, "[w]here a claim is refused for any reason relating to the merits thereof it should be "rejected" and the *ground of rejection fully and clearly stated*." MPEP § 707.07(d) (emphasis added). Applicants respectfully submit that the Examiner's rejections in the Office Action dated October 22, 2007 are not clearly stated, thus limiting Applicants' ability to reply completely to the rejections.

More specifically, the Examiner is often inconsistent when referring to the two prior art references used in the claim rejections. For example, the Examiner will often start a rejection with a statement that a limitation is taught by one prior art reference, *e.g.*, Kirsch, and then cite to a section of the other reference, *e.g.*, Kirsch-New, in the body of the rejection and vice versa. *See, e.g.*, Office Action dated October 22, 2007 at page 4 (the rejection of claim 31) and at page 5 (the rejection of claim 35). Further, in at least one instance, the Examiner states that a claim limitation is taught in Kirsch and cites to Kirsch when the Examiner clearly meant to cite to Kirsch-New. *See*, Office Action dated October 22, 2007 at page 5 (the rejection of claim 34). The Examiner's repeated inconsistency in referring to the two cited references clearly limits Applicants' ability to reply completely to the rejections. A rejection is obviously not clearly stated if Applicants have to guess which reference the Examiner really meant to cite. In view of the lack of clarity in the Final Office Action, Applicants respectfully request that the Examiner either reopen prosecution and issue a new non-final Office Action clarifying the Examiner's rejections or issue a notice of allowance based on the following remarks.

Turning to the rejection of the claims, "[t]he key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit." MPEP § 2143 (referring to *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. ___, 127 S. Ct. 1727 (2007)). The analysis presented by the Examiner to support the rejection of the claims under 35 U.S.C. § 103 in the Office Action dated September 28, 2007 shows that the Examiner found no differences between the cited prior art and the claims besides a lack of the actual combination of the elements in a single prior art reference, *i.e.*, that the Examiner is relying solely

on the teachings of the prior art. *See, e.g.*, MPEP § 2143(A). Applicants respectfully assert that the prior art relied on by the Examiner does not teach all of the limitations of the claims.

Independent claim 30 recites “determining, using the tracking logic, that the redirection loop exists when a predefined maximum number of redirections from the first web destination to the second web destination occurs within a predefined time limit; and terminating the redirection loop.” In other words, claim 30 requires that a redirection loop is found to exist when some number of *redirections* from one web destination to another has occurred within a time limit. More specifically, a redirection loop as recited requires multiple redirections (*i.e.*, looping of redirections).

Kirsch and Kirsch-New are completely silent with respect to detecting redirection loops and terminating redirection loops. Kirsch merely discloses a mechanism for using embedded redirections to track when a user uses an online advertisement embedded in a first web page to access an advertised web page. Specifically, Kirsch only discloses a single redirection (*i.e.*, from the first web-page to the advertised web-page). The advertised web-page never redirects back to the first web-page. *See, e.g.*, Kirsch at col. 2 ll. 25-53.

Moreover, Kirsch-New fails to teach that which Kirsch lacks. Kirsch-New discloses a validation engine in a web crawler that determines a reference to a web page is be invalid after some number of consecutive attempts by the web crawler to access the web page. *See* Kirsch-New at col. 6, ll. 21-27. Attempts to access a web page by a web crawler are clearly not equivalent to redirections from one web page to another. In fact, other than a bare mention that a URL trace must contend with URL mutual references and reference looping, Kirsch-New is completely silent regarding redirections from one web page to another. *See* Kirsch-New at col. 3, ll. 17-19.

In view of the above, Kirsh and Kirsch-New, whether considered together or separately, fail to teach all of the limitations of claim 30. Claim 40 includes substantially the same limitations as those discussed above for claim 30. Thus, Kirsch and Kirsch-New fail to teach all of the limitations of claim 40 for at least the same reasons. Accordingly, claims 30 and 40 are allowable over Kirsch and Kirsch-New. Claims 31-39 and 41-48, which depend from claims 30 and 40, are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 49 recites, in part, "initiating tracking logic based on the first redirection," and "identifying, using the tracking logic, a subsequent redirection from the first web destination to the second web destination when processing the subsequent request; and incrementing a counter when the subsequent redirection from the first web destination to the second web destination occurs within a predefined time limit." In other words, claim 49 requires initiating tracking logic when a first redirection from a first web destination to a second web destination is detected, detecting that another redirection from the first web destination to the second web destination occurs after the first redirection, and counting the redirections.

Kirsch and Kirsch-New are completely silent with respect to detecting and counting multiple redirections. As previously explained above, Kirsch merely discloses a mechanism for detecting a single redirection (*i.e.*, from the first web-page to the advertised web-page). Moreover, Kirsch-New fails to teach that which Kirsch lacks. As previously explained above, Kirsch-New merely discloses determining that a reference to a web page is invalid after some number of consecutive attempts by a web crawler to access the web page, which is clearly not equivalent to detecting redirections from one web page to another.

In view of the above, Kirsch and Kirsch-New, whether considered together or separately, fail to teach all of the limitations of claim 49. Thus, claim 49 is allowable over Kirsch and Kirsch-New. Claims 50-58, which depend from claim 49, are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/441001).

Dated: December 21, 2007

Respectfully submitted,

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